

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CYNTHIA D. FRANKLIN,)
Plaintiff,)
v.)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

CIVIL NO. 5:05CV246

**ORDER WITH REMAND
PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The United States of America has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing Defendant Commissioner's decision with a remand of the cause to the Commissioner for further administrative proceedings. On remand to the Commissioner, the Administrative Law Judge ("ALJ") will be directed to reconsider the opinions of Plaintiff's treating physicians and provide rationale with reference to specific evidence in support of the weight assigned them.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings, and it appearing that Plaintiff consents, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 111 S. Ct. 2157 (1991). The Clerk of the Court will enter a separate judgment pursuant

to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorneys fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). Plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys fees under EAJA in this matter.

SO ORDERED, ADJUDGED AND DECREED.

Signed: March 2, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

